

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/964,180 11/04/97 HIGURASHI

M 970668/LH

EXAMINER

WM02/0703

FRISHAUF HOLTZ GOODMAN  
LANGER & CHICK  
767 THIRD AVENUE  
25TH FLOOR  
NEW YORK NY 10017-2023

NGUYEN, L

ART UNIT

PAPER NUMBER

2612

DATE MAILED:

07/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**08/964,180**

Applicant  
**Higurashi et al.**

Examiner  
**Luong Nguyen**

Art Unit  
**2612**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 12, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) 2, 3, 5, 7, 9, 10, 12, 14, 17, 19, 20, 22, 25, 27, and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6, 8, 11, 13, 15, 16, 18, 21, 23, 24, and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on Apr 12, 2001 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

Art Unit: 2612

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 4/12/2001 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's election without traverse of species as shown in figures 1-2 in Paper No. 10 filed on 8/14/2000 is acknowledged.
3. Claims 10, 20 and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10 filed on 8/14/2000.

Further, claims 2-3, 5, 7, 9, 12, 14, 17, 19, 22, 25, 27 are also withdrawn from consideration for the reason below.

The examiner believes that claims 2-3, 14, 22 which claimed the feature "correct the image by using correction parameter in accordance with the brightness between the plurality of images", this feature is a claimed limitation in claims 10, 20, 28, is read on species of figures 14-17 as disclosed in specification pages 30-35. Species of figures 14-17 is a non-elected species. Therefore, claims 2-3, 14, 22 are withdrawn from consideration by the examiner.

Claims 5, 17, 25 which claimed the feature "changing the correction parameter in accordance with differences in image magnification between a plurality of images" is read on

Art Unit: 2612

figure 13 as disclosed in specification page 30, which is of species of figures 6 and 13. Species of figures 6 and 13 is a non-elected species. Therefore, claims 5, 17, 25 are withdrawn from consideration by the examiner.

Claim 7 which claimed the feature “color data is at least one of hue, saturation, and intensity” is read on figure 11 as disclosed in specification page 29, which is of species of figures 6 and 11. Species of figures 6 and 11 is a non-elected species. Therefore, claim 7 is withdrawn from consideration by the examiner.

Claims 9, 12, 19, 27 which claimed the feature “changing the correction parameter in accordance with differences in peripheral reduction light” is read on figure 9 as disclosed in specification pages 27-29, which is of species of figures 1 and 9. Species of figures 1 and 9 is a non-elected species. Therefore, claims 9, 12, 19, 27 are withdrawn from consideration by the examiner.

### ***Claim Objections***

4. Claims 1, 4, 6, 8, 11 are objected to because of the following informalities:

In claim 1, line 27, “said display means” should be changed to --said image display means--;

In claim 1, line 28, “correction means” should be changed to --correcting means--.

Claims 4, 6, 8, 11 are objected as being dependent on claim 1.

Appropriate correction is required.

Art Unit: 2612

***Claim Rejections - 35 USC § 112***

5. Claims 1, 4, 6, 8, 11, 13, 15, 16, 18, 21, 23, 24, 26 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 1 (lines 24-28), claim 13 (lines 24-28), claim 21 (lines 25-29) recite the limitation “optical parameter setting means for determining, as an optimal value, the correction parameter set by said correction parameter setting means, when it is judged by the user from display by said display means that correction is sufficiently performed by said image correction means” in specification pages 20-21, figures 3A, 3B, but it is not disclosed in detail to explain “optical parameter setting means for determining, as an optimal value.” The Applicants has not disclose the claimed invention to a degree that one skill in the art could make or use the invention without undue experimentation.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2612

7. Claims 1, 4, 6, 8, 11, 13, 15-16, 18, 21, 23-24, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiya et al. (US 6,097,430).

Regarding claim 1, Komiya et al. disclose an image processing apparatus comprising image input means, disclosed as digital still camera 1 (figures 1-2, 23, column 5, lines 25-40); correction parameter setting means, disclosed as aberration calculating section 40 (figure 2, column 6, lines 14-24); image correcting means, disclosed as image correcting section 14 (figure 2, column 6, lines 3-24); image joining means, disclosed as image composition 3a (figure 2, column 6, lines 3-24); image display means, disclosed as monitor 4 (figure 2, column 5, lines 35-40). Komiya et al. fail to specifically disclose said correction parameter setting means being allowed to be manually operated by a user to set the correction parameter; and optical parameter setting means for determining, as an optimal value, the correction parameter set by said correction parameter setting means, when it is judged by the user from display by said display means that correction is sufficiently performed by said image correction means. However, Komiya et al. disclose correction parameter setting means as aberration calculating section 40 (figure 2, column 6, lines 14-24), and the image distortion is displayed on the screen to let the user observe to change as shown in figure 26A, 26B. It also means that based on the photographic conditions of image a, b, c as disclosed in figure 24, column 7, lines 10-62), the correction parameter can be judged by the user. It would have been obvious that the aberration calculating section 40 could be manually operated by the user to let the user could change correction parameter.

Art Unit: 2612

Regarding claim 4, Komiya et al. disclose the image correction means corrects the image by changing the correction parameter in accordance with the distortion of one image or in accordance with differences in distortion between a plurality of images displayed by said image display means (column 6, lines 26-59).

Regarding claim 6, Komiya et al. disclose the image correction means corrects the image by changing the correction parameter in accordance with differences in color data between a plurality of images displayed by said image display means ( column 7, lines 1-67).

Regarding claim 8, Komiya et al. disclose the color data is at least one of R, G and B values for adjusting a white balance (column 7, lines 20-67).

Regarding claims 11, 15-16, 23-24, Komiya et al. disclose correction parameter storing means as distortion aberration correcting table 27 (figure 2, column 6, lines 13-23). Komiya et al. fail to specifically disclose storing one or plurality sets of said correction parameter in connection with the name of the imaging apparatus used to take the image, and said correction parameter setting means selects a desired set correction parameters from the correction parameter stored in said correction parameter storing means. However, Komiya et al. teach a table 27 which stores correction coefficients for distortion correction and outputs correction coefficients a1, a2 (column 6, lines 13-47). Komiya et al. also teach a plurality of images are picked up with one camera or it may take an image as different parts with the use of plurality of cameras (column 8, lines 53-59). Note that each camera has its own correction coefficients a1, a2. It would have been obvious to

Art Unit: 2612

store names of plurality of cameras corresponding with their correction coefficients in order to easy select a desired set of correction coefficients.

Claims 13, 18 are a method claim of the apparatus claims 1, 6, respectively. Therefore, claims 13, 18 are rejected for the reason given respect to claims 1, 6.

Claim 21 is considered equivalent to claim 13.

Claim 26 is considered equivalent to claim 18.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



Art Unit: 2612

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

**Any response to this action should be mailed to:**

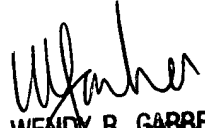
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

LN LN  
6/22/2001

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600